

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

ENTELEE, INC.  
a Massachusetts corporation,

CASE NO.: 1:17-cv-00499

Plaintiff,

v.

METTERS, INDUSTRIES, INC.  
a Delaware corporation,  
Defendant.

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**MOTION TO COMPEL COMPLIANCE WITH SUBPOENA AND FOR SANCTIONS**

Plaintiff Entegee, Inc. (“Entegee”), by counsel, and pursuant to Fed. R. Civ. P. 37, Fed. R. Civ. P. 45, and L. R. 37 hereby moves this Honorable Court to enter the Proposed Order submitted herewith and (1) compel third party Dr. Samuel Metters to comply with a subpoena served on April 19, 2018; (2) find Dr. Metters in contempt for failing to comply with the subpoena; and (3) enter sanctions against Dr. Metters and his counsel for refusing to comply with the subpoena without a valid basis for the refusal. Entegee’s factual and legal basis for relief is set forth in full in the accompanying Memorandum in Support of Entegee’s Motion to Compel Compliance with Subpoena and For Sanctions.

Respectfully submitted,  
**Entegee, Inc.**  
By Counsel

Dated: May 18, 2018

**SMITH, GAMBRELL & RUSSELL, LLP**

/s/ John P. Pennington

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**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 37(E)**

Pursuant to Local Rule 37(E), counsel for Plaintiff hereby certifies that he conferred with counsel for Dr. Samuel Metters multiple times by telephone and by e-mail on May 9, 2018 and May 10, 2018 in order to discuss the possibility of resolving the discovery matters in controversy and in a good faith effort to resolve the dispute without court intervention. These discussions resulted in an impasse, which necessitated the filing of this motion.

/s/John P. Pennington

**John P. Pennington**

**CERTIFICATE OF SERVICE**

I, the undersigned counsel for Plaintiff, hereby certify that on May 18, 2018 a copy of the foregoing was filed electronically which will be automatically served on all parties who are registered to receive service through the Court's electronic filing system. All other parties will be served through U.S. mail.

/s/ John P. Pennington  
John P. Pennington